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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,291	11/04/2003	Bradley S. Berggren	(50035) 60056	5208
21874	7590	07/28/2006		EXAMINER
EDWARDS & ANGELL, LLP			LARSON, JUSTIN MATTHEW	
P.O. BOX 55874				ART UNIT
BOSTON, MA 02205				PAPER NUMBER
			3727	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/701,291	BERGGREN, BRADLEY S.
	<b>Examiner</b>	<b>Art Unit</b>
	Justin M. Larson	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 2/9/04 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 each recite the limitation "the video player" in line 3. There is insufficient antecedent basis for this limitation in the claims.

Claim 6 recites the limitation "the at least one adjustable strap" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pesce (US 6,338,429 B1).

Regarding claims 1 and 2, Pesce discloses a viewing platform (10) for a portable electronic device (8) comprising an elongated base defining a front end portion (bottom half portion) and a rear end portion (top half portion), a stage (18) formed by a rectangular frame (28) provided at the rear end portion of the base for accommodating a portable electronic entertainment device, and a means (50/52) operatively associated with the front end portion of the base for securing the base to a supporting structure.

Regarding claim 4, Pesce discloses that stage (18) has an outer surface (26) that is roughened so that the electronic device does not slide (col. 3 lines 62-64), effectively satisfying the limitations of the claim.

Regarding claim 9, the platform of Pesce includes a storage compartment (36) adjacent the front end portion thereof.

6. Claims 1-3, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mankey (US 5,205,452 A).

Regarding claims 1 and 2, Mankey discloses a viewing platform (10) comprising an elongated base defining a front end portion and a rear end portion, a stage (23) formed by a rectangular frame (sidewalls) provided at the rear end portion of the base, and a means (40) operatively associated with the front end portion of the base for securing the base to a supporting structure.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Mankey which is capable of being used in the intended manner, i.e., supporting a portable electronic entertainment device on the stage (23).

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There is no structure in Mankey that would prohibit such functional intended use (see MPEP 2111).

Regarding claim 3, Mankey shows the frame (sidewalls of stage 23) having two apertures that are capable of accommodating a power cable associated with an electronic device supported on the stage, effectively satisfying the limitations of the claim.

Regarding claim 7, Mankey discloses the base being made of plastic (col. 2 lines 27-32).

Regarding claim 9, the platform of Mankey includes a storage compartment (21) adjacent the front end portion thereof.

7. Claims 1, 2, 5, 6, 9-11, 14, 15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gioso (US 4,512,503 A).

Regarding claims 1 and 2, Gioso discloses a viewing platform (10) comprising an elongated base defining a front end portion (and a rear end portion, a stage (38) formed by a rectangular frame (sidewalls) provided at the rear end portion of the base, and a means (94/96/98) operatively associated with the front end portion of the base for securing the base to a supporting structure.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Gioso which is capable of being used in the intended manner, i.e., supporting a portable electronic entertainment device on the stage (38).

There is no structure in Gioso that would prohibit such functional intended use (see MPEP 2111).

Regarding claims 5, 6, and 14 the means for securing the base to the supporting structure, as disclosed by Gioso, includes at least one adjustable strap (94) and at least one channel (96 or 98) to accommodate the at least one adjustable strap.

Regarding claims 9 and 18, the platform of Gioso includes a storage compartment (70) adjacent the front end portion thereof.

Regarding claims 10 and 11, the claims include limitations of claims 1, 2, and 5 that have already been shown to be unpatentable over Gioso and further include functional language describing the way in which the base is oriented within a vehicle.

The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Gioso which is capable of being used in the intended manner, i.e., the base being supported between the front seats of an automobile such that the rear end portion of the base projects into the rear seating area of the automobile in a cantilevered manner, presenting the stage to passengers in the rear seating area. There is no structure in Gioso that would prohibit such functional intended use (see MPEP 2111).

Regarding claim 15, the at least one channel (96 or 98) of Gioso are not formed on the lowermost or bottom surface of the base and can therefore be considered to be formed on an upper surface of the base in relation to this lowermost or bottom surface, effectively satisfying the limitations of the claim.

Regarding claims 19 and 20, the claims include limitations of claims 10 and 14 that have already been shown to be unpatentable over Gioso and claim 19 further recites that the at least one channel extends perpendicular to the longitudinal axis of the base. Note that both of the channels (96 and 98) of Gioso are each attached at two points that lie on a plane (16) perpendicular to the longitudinal axis of the base that defines the front end and rear end portions, effectively satisfying the limitations of the claims.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Pesce or Mankey as applied in paragraphs 5 and 6 above in view of Dykstra et al. (US 6,874,667 B2).

Pesce and Mankey both disclose the claimed invention except for the base being constructed of wood. Mankey discloses that while the preferred material structure is plastic, other materials may be used to make part or all of the platform (col. 2 lines 31-32). Similarly, Pesce discloses that a variation in material structure would be readily apparent and obvious to one skilled in the art.

Dykstra et al. also discloses a cargo platform system and teaches that plastic and wood are both possible material choices for the system (col. 3 lines 47-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the platform system of either Pesce or Mankey out of wood, as taught by Dykstra et al., since it is known in the art to use such a material for in-vehicle cargo platform systems.

10. Claims 1-3, 5-7, 9-12, 14-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankey as applied in paragraph 6 above in view of Gioso, and further in view of Jorgensen (US 6,293,447 B1).

Mankey discloses the claimed invention except for at least one adjustable strap associated with the front portion of the base for securing the base to a supporting structure located between the front seats of a vehicle (from claims 5, 6, and 10). Jorgensen, however, teaches that it is known in the art to provide adjustable straps on a support platform in order to secure the base of the platform to a supporting structure located between the front seats of a vehicle. Gioso teaches the use of channels (96 or 98) on an upper surface of the base and an adjustable strap (94) for securing the base of a platform support to a supporting surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include channels and adjustable straps on the platform support of Mankey, as taught by Gioso, so that the platform of Mankey could also be attached to the supporting structure between the front seats of a vehicle, as motivated by Gioso, for easy access by those passengers riding in the front seats.

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The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by the modified Mankey device which is capable of being used in the intended manner, i.e., the base being supported between the front seats of an automobile such that the rear end portion of the base projects into the rear seating area of the automobile in a cantilevered manner, presenting the stage to passengers in the rear seating area. There is no structure in the modified Mankey device that would prohibit such functional intended use (see MPEP 2111).

11. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mankey platform support of paragraph 10 above in view of Pesce.

The modified Mankey platform support includes the claimed limitations except for means for frictionally securing an object held upon the stage. Pesce, however, also discloses a platform support having a stage (18) and teaches that the surface (26) of the stage can be roughened to prevent an object held on the stage from slipping. It would have been obvious to one having ordinary skill in the art at the time the invention was made to roughen the surface of the stage of the modified Mankey device, as taught by Pesce, in order to prevent objects held on the stage from sliding around and possibly falling off the stage.

12. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mankey platform support of paragraph 10 above in view of Dykstra et al.

The modified Mankey platform support includes the claimed limitations except for the base being constructed of wood. Mankey discloses that while the preferred material

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structure is plastic, other materials may be used to make part or all of the platform (col. 2 lines 31-32).

Dykstra et al. also discloses a cargo platform system and teaches that plastic and wood are both possible material choices for the system (col. 3 lines 47-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the modified Mankey platform support out of wood, as taught by Dykstra et al., since it is known in the art to use such a material for in-vehicle cargo platform systems.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art relates to console-mounted supports and other in-vehicle supports which may read on the claims presently presented.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Friday, 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
7/10/06

  
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SUPERVISORY PATENT EXAMINER